

A U S T I N C I T Y C O U N C I L  
**AGENDA**



Thursday, June 22, 2006

#112PH

+ Back

**Zone Hearings/App Ordinances/Restrictive Covenants  
RECOMMENDATION FOR COUNCIL ACTION**

**Subject:** C14-86-137(RCT) - Peaceful Hill (aka Park Ridge Gardens) - Conduct a public hearing and approve a restrictive covenant termination for the property locally known as 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane (Onion Creek Watershed). Zoning and Platting Commission Recommendation: To approve termination of the restrictive covenant. Applicant: Main Street Homes, Ltd. (Steve Bartholemew). Agent: C. Faulkner Engineering (Casey Giles). City Staff: Wendy Walsh; 974-7719.

**Additional Backup Material**

(click to open)

Staff Report

**For More Information: Wendy Walsh, 974-7719.**

## **RESTRICTIVE COVENANT TERMINATION REVIEW SHEET**

**CASE:** C14-86-137 (RCT)

**ZP.C. DATE:** May 16, 2006

**ADDRESS:** 308 Ralph Ablanado Drive and 8319 Peaceful Hill Lane

**OWNERS / APPLICANTS:** Main Street Homes, **AGENT:** C. Faulkner Engineering  
Ltd. (Stephen D. Bartholemew) (Casey Giles)

**EXISTING ZONING:** SF-4A-CO

**AREA:** 23.400 acres

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends a Termination of the Restrictive Covenant.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

May 16, 2006: *APPROVED A TERMINATION OF THE RESTRICTIVE COVENANT, BY CONSENT.*

*[S. HALE; J. PINNELLI – 2ND] (8-0) J. GOHIL – ABSENT*

### **ISSUES:**

None at this time.

### **DEPARTMENT COMMENTS:**

The subject property consists of undeveloped land proposed for a 131-lot single family residential subdivision, to be known as Park Ridge Gardens. The property was rezoned to SF-4A-CO in December 2005, and the Conditional Overlay addresses trips, vehicular access, noise, setbacks and height. A public Restrictive Covenant covers the Neighborhood Traffic Analysis, a pedestrian accessway, roadway improvements, a masonry wall and a solid fence. Although the property has frontage on Peaceful Hill Lane, vehicular access to this street is prohibited and furthermore, construction of a center turn lane on Ralph Ablanado Drive must occur prior to issuance of a building permit. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View), and B (Preliminary Plan in process).

Prior to December 2005, the north portion of the property was zoned SF-6 (a 30-foot wide section along Peaceful Hill Lane), W/LO and LI since 1987 when this area as well as the adjacent area to the south (DR) was planned for a 22-lot commercial / industrial park. The Restrictive Covenant attached to the 1987 case contains five provisions, summarized as follows: 1) all access to Peaceful Hill Lane is prohibited; 2) access from the proposed commercial boulevard to Peaceful Hill Lane is prohibited; 3) a minimum lot size of 20,000 square feet is established; 4) basic industry, general warehousing and distribution, and resource extraction are prohibited uses; and 5) a 30-foot wide landscape buffer along

Peaceful Hill Lane and adjacent to the SF-2 zoned property along the north property line is established. A copy of the recorded Restrictive Covenant is provided as Exhibit C.

As the property has been rezoned to a residential district, a Restrictive Covenant Termination request has been filed to delete these limitations on the property. Staff supports the Termination request, as follows: 1) vehicular access to Peaceful Hill Lane is still in place through the Conditional Overlay of the 2005 case; 2) SF-4A-CO allows for a minimum lot sizes of 3,600 square feet and the Applicant's proposed Preliminary Plan does not include any 20,000 square foot residential lots; 3) SF-4A-CO zoning does not allow for industrial or warehousing uses, and 4) additional setbacks, noise reduction techniques, a masonry wall and a fence are required due to the adjacent, existing industrial uses to the southwest and east. Thus, the Restrictive Covenant that was recorded with the 1987 case for a commercial / industrial park is no longer applicable to the SF-4A-CO zoning and proposed residential subdivision.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-4A-CO	Undeveloped (Preliminary Plan in process for 131 single family residences)
<i>North</i>	SF-2; DR	Single family residences; Undeveloped; Fence company
<i>South</i>	LI-CO	Steel fabrication; Fiberglass supplier; Impound facility; Vehicle storage; Auto salvage; Urban farm; Towing Services; Cocktail lounge
<i>East</i>	DR; LI-CO; SF-2	Undeveloped; Industrial Park; Mechanical contractor; Cocktail lounge; Church; Recycling facility; Warehouses; Service station with convenience store
<i>West</i>	SF-2; P; DR	Single family residences; Fire station and police substation; Undeveloped; Manufactured homes

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Onion Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

26 – Far South Austin Community Association

262 – Beaconridge Neighborhood Association

300 – Terrell Lane Interceptor Association

428 – Barton Springs / Edwards Aquifer Conservation District

499 – Park Ridge Owners Association

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

742 – Austin Independent School District

948 – South by Southeast Neighborhood Organization

**SCHOOLS:**

Williams Elementary School    Bedichek Middle School

Akins High School

Williams – 89% at capacity in 2005

Bedichek Middle School – 83% at capacity in 2005

Akins – 101% at capacity in 2005

The optimal capacity is between 100% and 110% of permanent capacity. Those schools over 125% are considered to be in excess of the desired capacity and in need of relief.

Source: Mr. Dan Robertson, Director of Planning Services at Austin Independent School District.

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0209 – Big 4	SF-2 to LI	To Grant LI-CO with scrap and salvage as only LI use, permitted GR uses, prohibit pawn shops, 300 trips above existing traffic.	Approved LI-CO with the CO for scrap and salvage as the only LI use, and all CS uses except pawn shop services which is to be prohibited, and 300 trips above existing traffic (3-23-06).
C14-05-0195 – Crippen Sheet Metal	DR to LI	To Grant LI-CO with light manufacturing as the only LI use, permitted LR uses and 300 trips per day beyond the existing trips generated by the site.	Approved LI-CO district zoning with the CO for light manufacturing as the only the permitted LI use, all CS uses except for the following uses which are to be prohibited: Agricultural Sales and Services; Drop-off Recycling Collection Facility; Equipment Repair Services; Equipment Sales; Kennels; Laundry Services; Vehicle Storage; and Transportation Terminal, and limit the development of the property to 300 trips per day beyond the existing trips generated by the site. (4-20-06).
C14-05-0045 – Big 4	DR to LI	To Grant LI-CO for Tract 1 with CO to prohibit basic industry and resource extraction;	Approved LI-CO; CS-CO as ZAP recommended (6-23-05).

		CS-CO for Tract 2 (west 50 feet) with CO for 30' height limit. Additional CO for 300 trips beyond the existing generated.	
C14-04-0179 – Big 4	DR; SF-2 to CS	To Grant CS-CO with CO for fencing; landscape buffer; 30' structure height; prohibited uses and 2,000 trips. Street deed required on Cullen Lane. Public Restrictive Covenant for hours of operation.	Approved CS-CO district zoning with Street Deed and Public Restrictive Covenant as ZAP recommended (03-10-05).
C14-00-2018 – Wattinger Acres	DR to LI	To Grant LI-CO	Approved LI-CO with CO for 2,000 trips; no access to Hubach Lane; prohibited uses of scrap & salvage, pawn shops, service station, adult-oriented uses; auto sales and vehicle storage (05-11-00).
C14-99-0039 – Mickey Rich Plumbing and Heating, Inc.	DR to CS-1; LI	CS-1 request withdrawn; To Grant LI-CO with conditions	Approved LI-CO with CO for 2,000 trips; prohibited uses; no access to Hubach; F.A.R. limited to 0.039 to 1 for retail uses (8-19-99).
C14-85-093 – Bruce Patterson, 8501 Peaceful Hill Lane	I-RR to LI	To Grant LI with use limited to steel fabrication and / or warehousing activities	Approved LI with Restrictive Covenant limiting the use of the property to steel fabrication and / or warehousing activities (1-16-86).

**RELATED CASES:**

This property was the subject of a 2005 request for SF-4A zoning. On December 15, 2005, the Council approved SF-4A-CO district zoning with the CO for: 1) 2,000 trips; 2) prohibit access to Peaceful Hill Lane; 3) a residential use shall comply with the measures under Section 25-13-44 (Airport Overlay Land Use Table) that achieve a minimum outdoor-to-indoor noise level reduction of 25 decibels; 4) a 30-foot wide rear yard setback shall be established for a residential structure adjacent to a non-residential use or zoning district; and 5) the maximum height is one story adjacent to Crippen Sheet Metal. The Restrictive Covenant is for: 1) the Neighborhood Traffic Analysis; 2) construction of a pedestrian accessway to Peaceful Hill Lane; 3) center turn lane along Ralph Ablanado Drive frontage;

4) 6' high solid masonry wall along property lines that do not abut Ralph Ablanedo Drive on the south and Peaceful Hill Lane on the west, and 5) an 8-foot high solid fence along the east property line.

**CITY COUNCIL DATE:** June 22, 2006

**ACTION:**

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Walsh  
e-mail: wendy.walsh@ci.austin.tx.us

**PHONE:** 974-7719

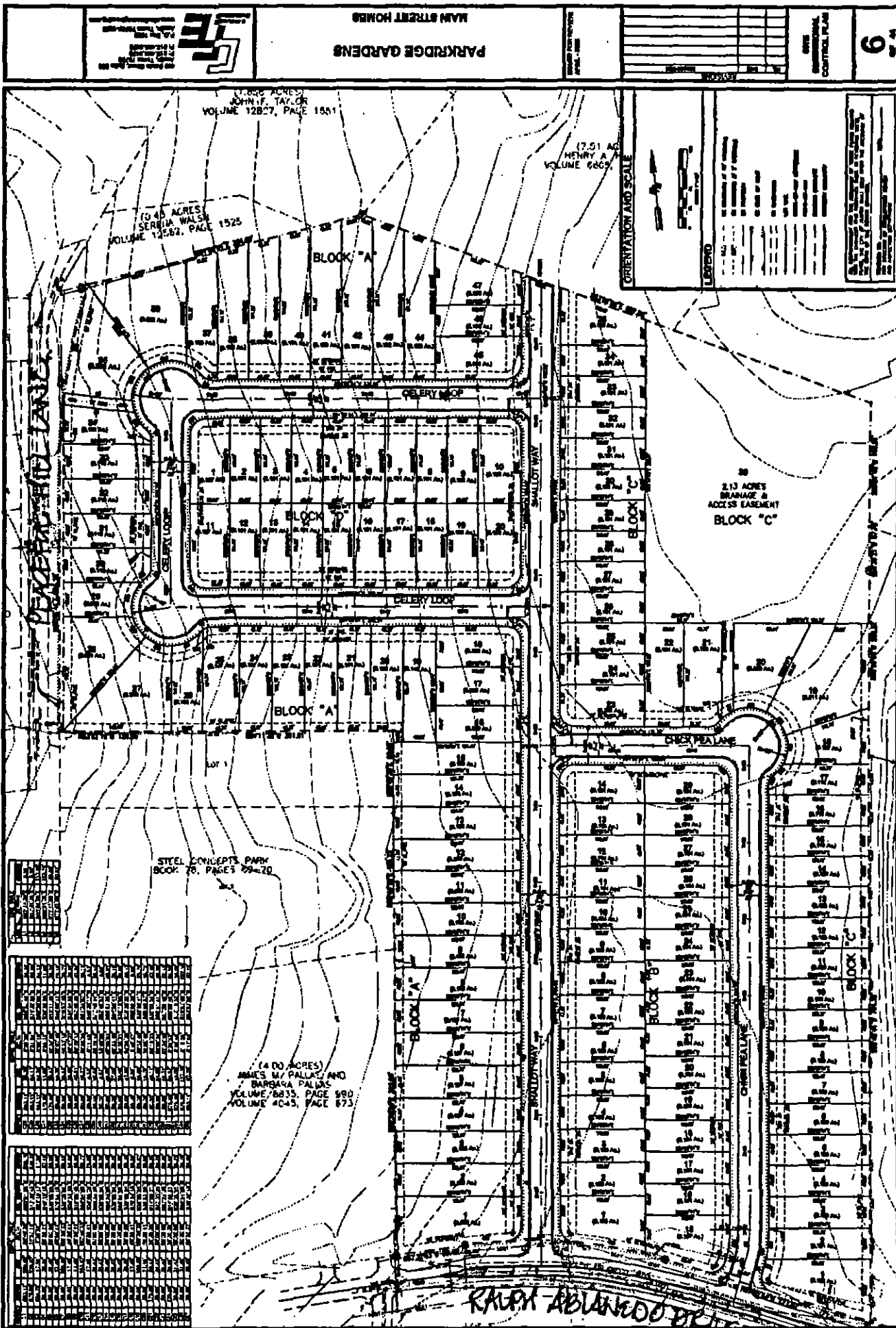


EXHIBIT B  
PROPOSED PRELIMINARY PLAN

19.00

## RESTRICTIVE COVENANT

4 28 0172

THE STATE OF TEXAS  
COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, MARABELLA DEVELOPMENT PARTNERSHIP, of Travis County, Texas, is Owner of the following described property ("Property"):

TRACT 1.

3:57 PM 0845

19.00 IND  
1 09/15/8  
.99-DOC  
6640.95-CHN

5.254 acres of land out of and a part of the William Cannon League Survey situated in the City of Austin, Travis County, Texas, being a portion of that certain 13.85 acre tract of land conveyed to Elliot Bell, David B. Bell, Rudolph Maravich and Ronnie P. Maravich by deed of record in Volume 7823, Page 111 of the Real Property Records of Travis County, Texas, said 5.254 acres of land being more particularly described by metes and bounds in Exhibit "A", attached hereto and incorporated herein for all purposes; and,

TRACT 2.

8.156 acres of land out of and a part of the William Cannon League Survey situated in the City of Austin, Travis County, Texas, being a portion of that certain 13.85 acre tract of land, conveyed to Elliot Bell, David B. Bell, Rudolph Maravich and Ronnie P. Maravich by deed of record in Volume 7823, Page 111 of the Real Property Records of Travis County, Texas, said 8.156 acres of land being more particularly described by metes and bounds in Exhibit "B", attached hereto and incorporated herein for all purposes; and,

TRACT 3.

0.431 acres of land out of and a part of the William Cannon League Survey situated in the City of Austin, Travis County, Texas, being a portion of that certain 13.85 acre tract of land, conveyed to Elliot Bell, Rudolph Maravich and Ronnie P. Maravich by deed of record in Volume 7823, Page 111 of the Real Property Records of Travis County, Texas, said 0.431 acres of land being more particularly described by metes and bounds in Exhibit "C", attached hereto and incorporated herein for all purposes; and,

WHEREAS, the City of Austin, Texas, and the Owner of the Property have agreed that the Property should be impressed with certain covenants and restrictions running with the land, and desire to set forth such agreement in writing;

NOW, THEREFORE, in consideration of One and No/100 Dollars (\$1.00) and other good and valuable consideration paid by the City of Austin in hand to the Owner, the receipt and sufficiency of which is acknowledged, the Owner does hereby impress upon the Property, the following covenants and conditions which shall be considered to be covenants running with the land, and which shall be binding on the Owner, his (her) heirs, personal representatives, successors and assigns, as follows:

1. There shall be no direct access or from the property to Peaceful Hill Lane. All direct vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
2. There shall be no direct access from the proposed Commercial Boulevard to Peaceful Hill Lane.

EXHIBIT C

RECORDED  
RESTRICTIVE  
COVENANT

REAL PROPERTY RECORDS  
Travis County, Texas



3. No part of the Property shall be subdivided to a lot smaller than twenty thousand (20,000) square feet.
4. The following uses of the Property shall be prohibited; basic industry, general warehousing & distribution, resource extraction, as defined in Sections 1805, 1830, and 1825, respectively, of Chapter 13-2A of the Austin City Code of 1981, as amended.
5. Measured along lot lines, the west thirty feet (30') of Lot 4 and the north thirty feet (30') of Lots 5 and 6 shall be maintained as a thirty foot landscaped buffer, illustrated in the attached Exhibit D. Each buffer shall comply with the following requirements:
  - a. For each 400 square feet of property, the owner shall plant at least one (1) two inch caliper large oak, elm, or pecan tree, two (2) five to six foot tall small ornamental trees, and six (6) five gallon small or large shrubs.
  - b. Credit toward landscaping requirements shall be given for existing vegetation based on the following formula: class 1 plant material - 100%, class 2 plant material - 75%, and class 3 material - 50%.
  - c. Shrubs shall be planted to form a continuous buffer.
  - d. An irrigation system shall be installed.
6. If any person or entity shall violate or attempt to violate the foregoing agreement and covenant, it shall be lawful for the City of Austin, a municipal corporation, its successors and assigns, to prosecute proceedings at law or in equity, against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
7. If any part of this agreement or covenant shall be declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
8. If at any time the City of Austin, its successors or assigns, fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
9. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and (b) by the owner(s) of the Property at the time of such modification, amendment or termination.

EXECUTED this the 13<sup>th</sup> day of May, 1987.

MARBELLA DEVELOPMENT PARTNERSHIP

BY: Jean Bringol  
Jean Bringol, Attorney-in-Fact

THE STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, on this day personally appeared Jean Bringol, known to me to be the person whose name is subscribed to the foregoing instrument as the attorney in fact of Marabella Development, and acknowledged to me that she subscribed the name of Marabella Development Partnership thereto as principal and his(her) own name as attorney in fact, and executed the same for the purposes and consideration therein expressed and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 13<sup>th</sup> day of May, 1987.

Shirley A. Ford  
Notary Public, State of Texas

Shirley A. Ford  
Typed or Printed Name  
of Notary Public

NOTARY SEAL

My Commission Expires: 3-26-89

5.254 ACRES  
WILLIAM CANNON LEAGUE SURVEY  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

FN87-049 (CMK)  
APRIL 27, 1987  
BPI JOB NO. 173-01.20

DESCRIPTION OF 5.254 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE SURVEY SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 13.85 ACRE TRACT OF LAND, CONVEYED TO ELLIOT BELL, DAVID B. BELL, RUDOLPH MARAVICH AND RONNIE P. MARAVICH BY DEED OF RECORD IN VOLUME 7823, PAGE 111 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 5.254 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found at the northeasterly corner of Lot 1, Steel Concepts Park, a subdivision of record in Book 78, Page 69 of the plat records of Travis County, Texas, same being the northwesterly corner of that certain 9.75 acre tract of land conveyed to Robert J. Wilson by deed of record in Volume 8600, Page 142 of the real property records of Travis County, Texas, and being in the southerly line of said 13.85 acre tract, and the southwesterly corner hereof;

THENCE, over and across said 13.85 acre tract, the following three (3) courses and distances:

- 1) N08°20'14"W, a distance of 292.07 feet to a point for the northwesterly corner hereof;
- 2) S81°48'37"E, a distance of 457.64 feet to a point for an inside ell corner hereof;
- 3) N08°21'16"E, a distance of 232.86 feet to a point in the westerly line of that certain 7.51 acre tract of land conveyed to William B. Hubach by deed of record in Volume 6605, Page 2192 of the real property records of Travis County, Texas;

THENCE, with the common line of said 7.51 acre tract and said 13.85 acre tract, S61°35'28"E, a distance of 255.49 feet to an iron rod found, same being the northeasterly corner of said 13.85 acre tract, for the northeasterly corner hereof;

THENCE, S08°21'16"W, passing the northwesterly corner of that certain 6.84 acre tract of land conveyed to Mickey Rich Plumbing and Heating, Inc. by deed of record in Volume 8855, Page 975 of the real property records of Travis County, Texas, in all a total distance of 424.56 feet to an iron rod found at the northeasterly corner of said 9.75 acre tract, same being the southeasterly corner of said 13.85 acre tract, and the southeasterly corner hereof;

THENCE, with the common line of said 9.75 acre tract, and said 13.85 acre tract, N81°48'37"W, a distance of 613.75 feet to the POINT OF BEGINNING, containing 5.254 acres of land, more or less.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

That I, Leslie W. Pittman, a Registered Public Surveyor, do hereby certify that the above description was prepared from Public Record and a partial survey made on the ground under my direction and supervision, is true and correct to the best of my knowledge and belief.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this 27 day of April, 1987, A.D.

Bury & Pittman, Inc.  
Engineering - Surveying  
1601 Rio Grande, Suite 300  
Austin, Texas 78701



*RLW*  
Registered Public Surveyor  
No. 3479, State of Texas

EXHIBIT "A"

10416 0832

8.156 ACRES  
WILLIAM CANNON LEAGUE SURVEY  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

FN87-047 (CMK)  
APRIL 27, 1987  
BPI JOB NO. 173-01.20

DESCRIPTION OF 8.156 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE SURVEY SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 13.85 ACRE TRACT OF LAND, CONVEYED TO ELLIOT BELL, DAVID B. BELL, RUDOLPH MARAVICH AND RONNIE P. MARAVICH BY DEED OF RECORD IN VOLUME 7823, PAGE 111 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 8.156 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the easterly right-of-way line of Peaceful Hill Lane, a public road, same being the northwesterly corner of Lot 1, Steel Concepts Park, a subdivision of record in Book 78, Page 69 of the plat records of Travis County, Texas, and being the southwesterly corner of said 13.85 acre tract, for the southwesterly corner hereof;

THENCE, along said easterly right-of-way line, N08°15'15"E, a distance of 536.57 feet to a point for the northwesterly corner hereof;

THENCE, leaving said easterly right-of-way line, over and across said 13.85 acre tract, the following three (3) courses and distances:

- 1) N84°26'02"E, a distance of 409.22 feet to a point;
- 2) S61°35'28"E, a distance of 216.84 feet to a point,
- 3) N08°21'16"E, a distance of 31.94 feet to a point in the north line of said 13.85 acre tract, same being a point in the southwesterly line of that certain 7.51 acre tract of land conveyed to Henry A. Hubach by deed of record in Volume 6605, Page 2194 of the real property records of Travis County, Texas;

THENCE, with the common line of said 7.51 acre tract and said 13.85 acre tract, S61°35'29"E, a distance of 227.07 feet to a point, same being a point in the southwesterly line of that certain 7.51 acre tract of land conveyed to William B. Hubach, by deed of record in Volume 6605, Page 2192 of the real property records of Travis County, Texas, for the northeasterly corner hereof;

THENCE, over and across said 13.85 acre tract, the following three (3) courses and distances:

- 1) S08°21'16"W, a distance of 232.86 feet to a point for an outside ell corner hereof,
- 2) N81°48'37"W, a distance of 457.64 feet to a point for an inside ell corner hereof;
- 3) S08°20'14"E, a distance of 292.07 feet to an iron rod found at the northeasterly corner of said Lot 1, Steel Concepts Park, same being the northwesterly corner of that certain 9.75 acre tract of land conveyed to Robert J. Wilson by deed of record in Volume 8600, Page 142 of the real property records of Travis County, Texas, for the southeasterly corner hereof;

THENCE, with the common line of said Lot 1, Steel Concepts Park, and said 13.85 acre tract, the following two (2) courses and distances:

EXHIBIT "B"

0.431 ACRES  
WILLIAM CANNON LEAGUE SURVEY  
CITY OF AUSTIN  
TRAVIS COUNTY, TEXAS

FN87-048 (CMK)  
APRIL 27, 1987  
BPI JOB NO. 173-01.20

DESCRIPTION OF 0.431 ACRES OF LAND OUT OF AND A PART OF THE WILLIAM CANNON LEAGUE SURVEY SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 13.85 ACRE TRACT OF LAND, CONVEYED TO ELLIOT BELL, DAVID B. BELL, RUDOLPH MARAVICH AND RONNIE P. MARAVICH BY DEED OF RECORD IN VOLUME 7823, PAGE 111 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.431 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an iron rod found in the easterly right-of-way line of Peaceful Hill Lane, a public road, same being the south-westerly corner of that certain 0.43 acre tract of land conveyed to S. R. Brown, et. ux. by deed of record in Volume 8927, Page 325 of the real property records of Travis County, Texas, and being the northwesterly corner of said 13.85 acre tract and the northwesterly corner hereof;

THENCE, with the common line of said 0.43 acre tract, and said 13.85 acre tract, N84°26'02"E, a distance of 411.00 feet to an iron rod found, same being the most westerly corner of that certain 7.51 acre tract of land conveyed to Henry A. Hubach by deed of record in Volume 6605, Page 2194 of the real property records of Travis County, Texas, and an outside ell corner hereof;

THENCE, with the common line of said 7.51 acre tract, and said 13.85 acre tract, S61°35'28"E, a distance of 215.05 feet to a point for the northeasterly corner hereof;

THENCE, over and across said 13.85 acre tract the following three (3) courses and distances:

- 1) S08°21'16"W, a distance of 31.94 feet to a point for the southeasterly corner hereof,
- 2) N61°35'28"W, a distance of 216.84 feet to a point for an inside ell corner hereof,
- 3) S84°26'02"W, a distance of 409.22 feet to a point in the said easterly right-of-way line of Peaceful Hill Lane, for the southwesterly corner hereof;

THENCE, along the said easterly right-of-way line and the westerly line of said 13.85 acre tract, N08°15'15"E, a distance of 30.89 feet to the POINT OF BEGINNING, containing 0.431 acres of land, more or less.

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF TRAVIS

That I, Leslie W. Pittman, a Registered Public Surveyor, do hereby certify that the above description was prepared from Public Record and a partial survey made on the ground under my direction and supervision, is true and correct to the best of my knowledge and belief.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this  
27 day of April, 1987, A.D.

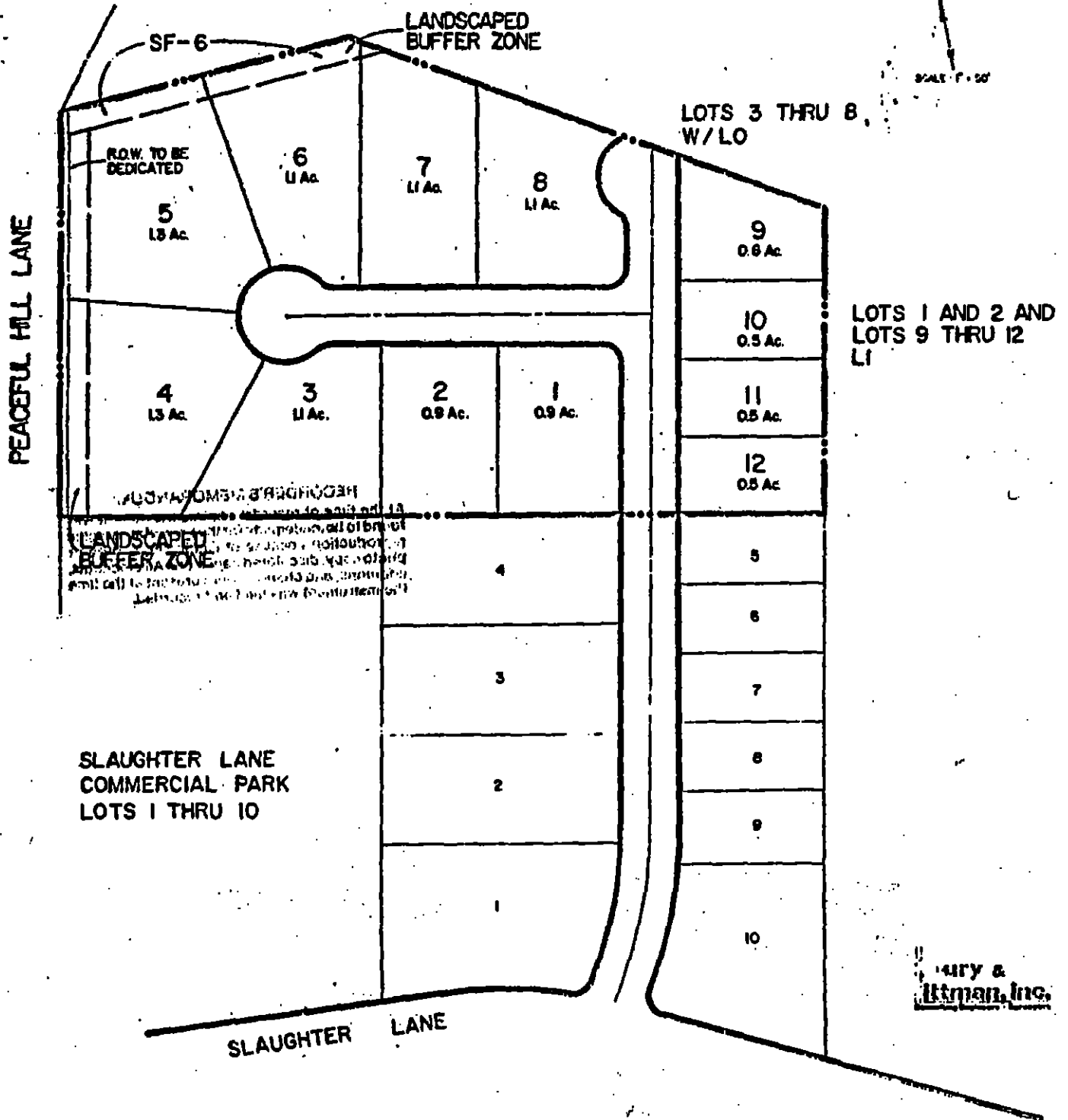
Bury & Pittman, Inc.  
Engineering - Surveying  
1601 Rio Grande, Suite 306  
Austin, Texas 78701



Registered Public Surveyor  
No. 3479, State of Texas

EXHIBIT "C"

# MARELLA COMMERCIAL PARK



**EXHIBIT "D"**

10416

0836

ST. LOUIS, MISSOURI

100

100

**RECORDER'S MEMORANDUM:**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions, and changes were present at the time the instrument was filed and recorded.

STATE OF TEXAS COUNTY OF TRAVIS  
I hereby certify that this instrument was FILED on  
the date and at the time stamped herein by me; and  
was duly RECORDED, in the Volume and Page of the  
named RECORDS of Travis County, Texas, on

SEP 15 1987



*Lupita Arellano*  
COUNTY CLERK  
TRAVIS COUNTY, TEXAS

**FILED**

1987 SEP 15 PM 3:12

COUNTY CLERK  
TRAVIS COUNTY, TEXAS

AFTER RECORDING, PLEASE RETURN TO:  
CITY OF AUSTIN

DEPT. OF LAW

P. O. BOX 1088

AUSTIN, TEXAS 78767-8828

ATTN: Lupita Arellano

10416

0897



## NOTICE OF PUBLIC HEARING TERMINATE A RESTRICTIVE COVENANT

Mailing Date: May 5, 2006

Case Number: C14-86-137(RCT)

Please be advised that the City of Austin has received an application to terminate a restrictive covenant.

Owner: Main Street Homes, Ltd. (Ken L. Blaker)

Telephone: 512-327-8620

Agent: C. Faulkner engineering (Casey Giles)

Telephone: 512-433-2602

Project Name: Peaceful Hill (aka Park Ridge Gardens) Restrictive Covenant Termination.

Project Address and/or Legal Description:

308 Ralph Ablando Drive and 8319 Peaceful Hill Lane

Termination Requested:

To terminate the Restrictive Covenant that addresses access, lot size, uses and landscape buffers.

This application is scheduled to be heard by the Zoning and Platting Commission on May 16, 2006. The meeting will be held at City Hall Council Chambers, 301 West 2<sup>nd</sup> Street beginning at 6:00 p.m.

You are being notified because City Ordinance requires that all property owners within 300 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact Wendy Walsh of the Neighborhood Planning and Zoning Department at (512) 974-7719 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site [www.ci.austin.tx.us/gis/reviewcases/rcase\\_table\\_search.cfm](http://www.ci.austin.tx.us/gis/reviewcases/rcase_table_search.cfm).

For additional information on the City of Austin's land development process, please visit our web site [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Este aviso debe informarle de una audiencia pública que sobre un cambio de división por zonas dentro de 300 pies de su propiedad. Si usted desea tener una copia de este aviso en español, por favor llame (512) 974-7668.

MAY 10, 2006

We are not in favor of Peaceful Hill Subdivision  
We feel it will decrease the value of our property.

Thank you.

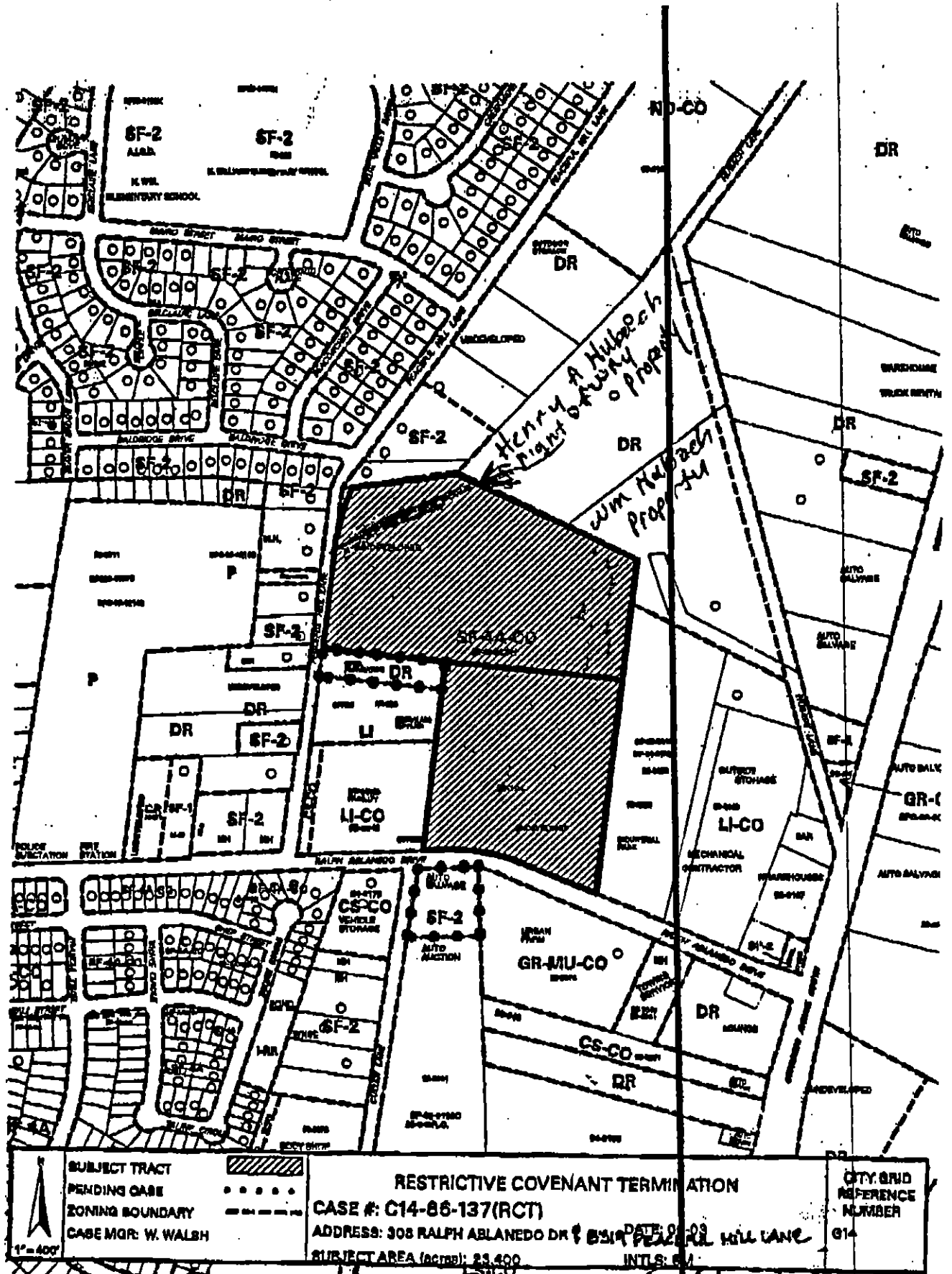
H.A. Hubach

D.E. Hubach

C. Hubach

B.N. Hubach







## NOTICE OF PUBLIC HEARING REZONING

**Mailing Date: September 13, 2005**

**Case Number: C14-05-0034.SH**

**Este aviso le informa de una audiencia pública tratando un cambio de zonificación dentro de una distancia de 300 pies de su propiedad. Si usted desea recibir una copia de este aviso en español, por favor llame al (512) 974-7668.**

**Please be advised that the City of Austin has received an application for a zoning change.**

**Owner: Southwest Strategies Group (John Rosato)**

**Telephone: 512-784-4430**

**Agent: Main Street Homes (Ken Blaker)**

**Telephone: 512-327-8620**

**Address and/or Legal Description:**

**308 Ralph Ablandado Drive and 8319 Peaceful Hill Lane**

**Proposed Zoning Change**

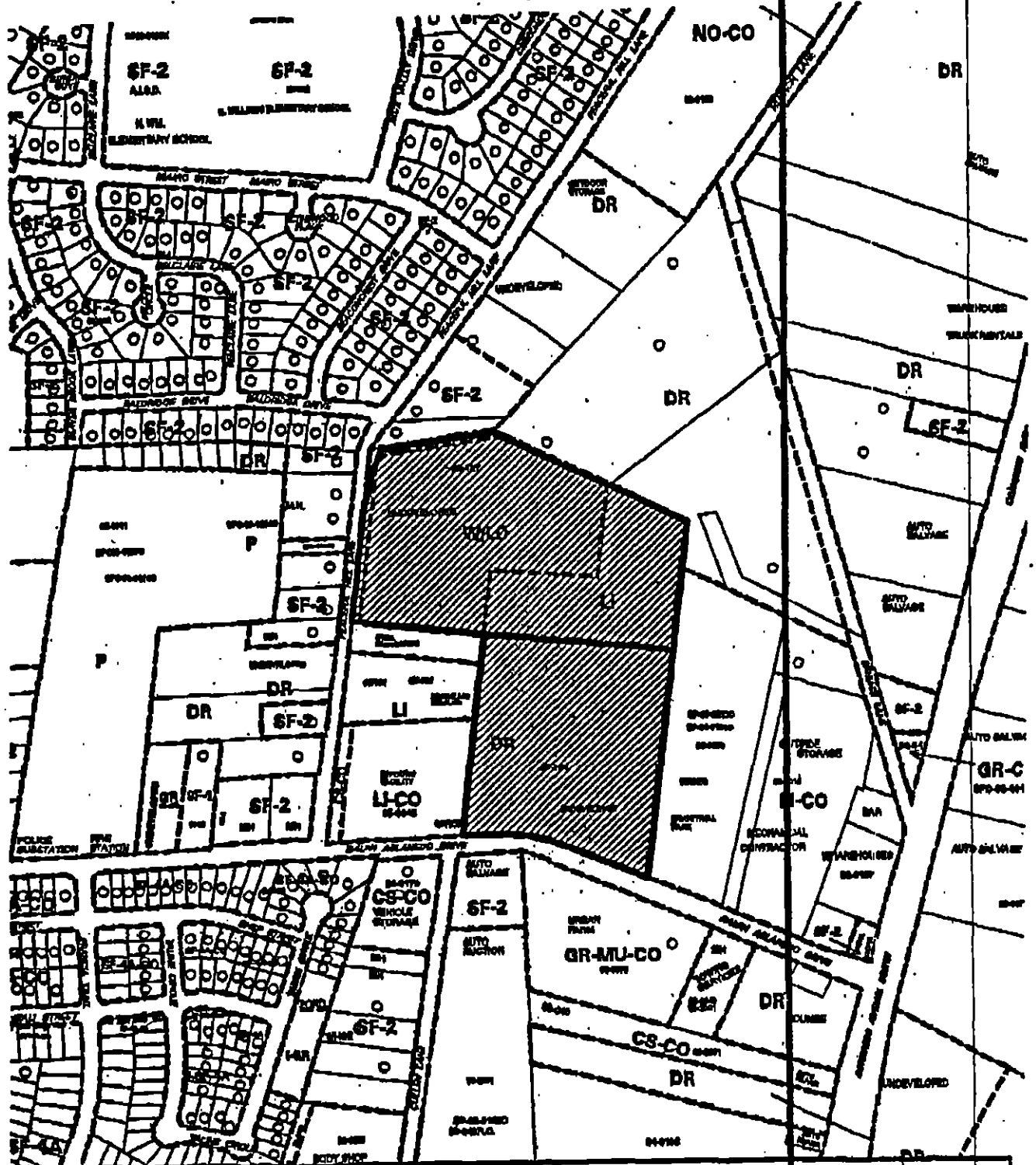
From DR - Development Reserve district is intended to prevent isolated, inappropriate, or premature uses from locating on lands for which adequate public services and facilities are unavailable, or for which a determination of the most appropriate zoning district is precluded by a lack of data customarily utilized in establishment of permanent district classifications, or for which land use and urban development policies have not been completed. W/LO - Warehouse, Limited Office district is intended predominantly for office and warehousing activities for building trades and similar businesses having operating characteristics that do not necessarily require highly visible locations or the type of access needed for retail and have low or moderate trip generating characteristics, do not involve substantial volumes of heavy truck traffic, but may require special measures to remain compatible with adjacent uses. LI - Limited Industrial Service district is intended as an area primarily for commercial services and limited manufacturing uses, generally on moderately sized sites. SF-6 - Townhouse and Condominium Residence district is intended as an area for moderate density single family, duplex, two-family, townhouse and condominium use.

To: SF-4A - Single-Family Residence (Small Lot) district is intended as an area predominately for medium density single-family residential use, with a minimum lot size of 3,000 square feet. In appropriate locations, small lot single-family use is permitted under standards which maintain single-family neighborhood characteristics.

**This application is scheduled to be heard by the City Council on September 29, 2005. The meeting will be held at City Hall Council Chambers, 301 West 2<sup>nd</sup> Street beginning at 4:00 PM.**

**You are being notified because City Ordinance requires that all property owners within 300 feet of the proposed development and affected neighborhood organizations be notified when an application is scheduled for a public hearing. If you have any questions concerning this application, please contact Wendy Walsh of the Neighborhood Planning and Zoning Department at (512) 974-7719 and refer to the Case Number at the top right of this notice. However, you may also find information on this case at our web site [www.ci.austin.tx.us/gis/reviewcases/rease\\_table\\_search.cfm](http://www.ci.austin.tx.us/gis/reviewcases/rease_table_search.cfm).**

**For additional information on the City of Austin's land development process, please visit our web site [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).**



<p><b>SUBJECT TRACT</b></p> <p>PENDING CASE</p> <p>ZONING BOUNDARY</p> <p>CASE MGR: W. WALSH</p>	<p><b>ZONING</b></p> <p>CASE #: C14-05-0034</p> <p>ADDRESS: 308 RALPH ABLENE DR &amp; 310 PEACE HILL LANE</p> <p>SUBJECT AREA: 1.5 AC</p>	<p>DATE: 05-07</p> <p>RTL: SM</p>	<p><b>CITY GRID REFERENCE NUMBER</b></p> <p>014</p>
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SUBD.

CENTENNIAL MARK

RIDGE POINT

SEC 1

SEC 2

CENTENNIAL

LT 2

MARK

CAPITAL AREA  
FOOD BANK

CAN

GUE 2

WATKINS

ACRES

STEGALL

SUBD

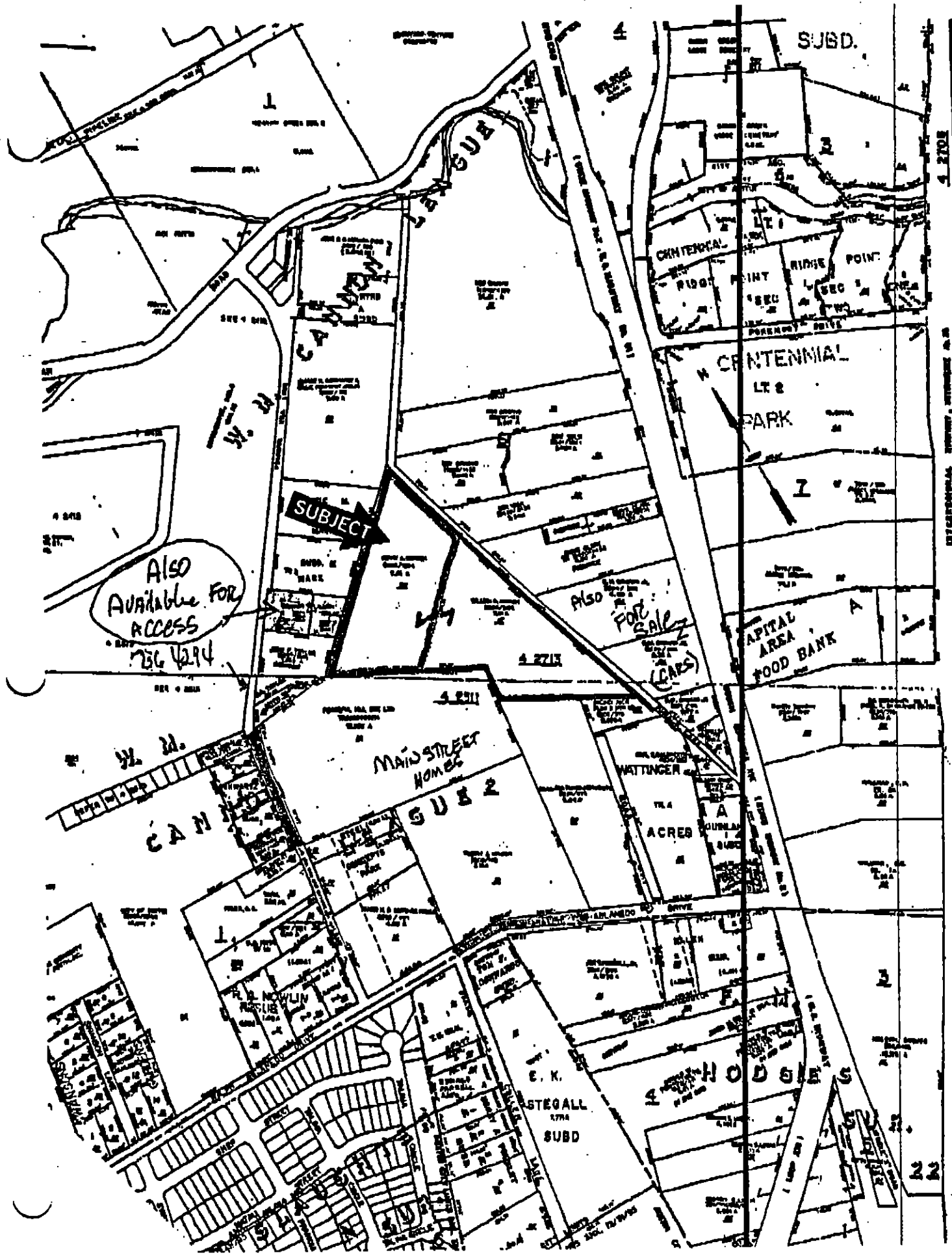
HODGES

INTERSECTION, MAP, LINDSEY 4-2708

10

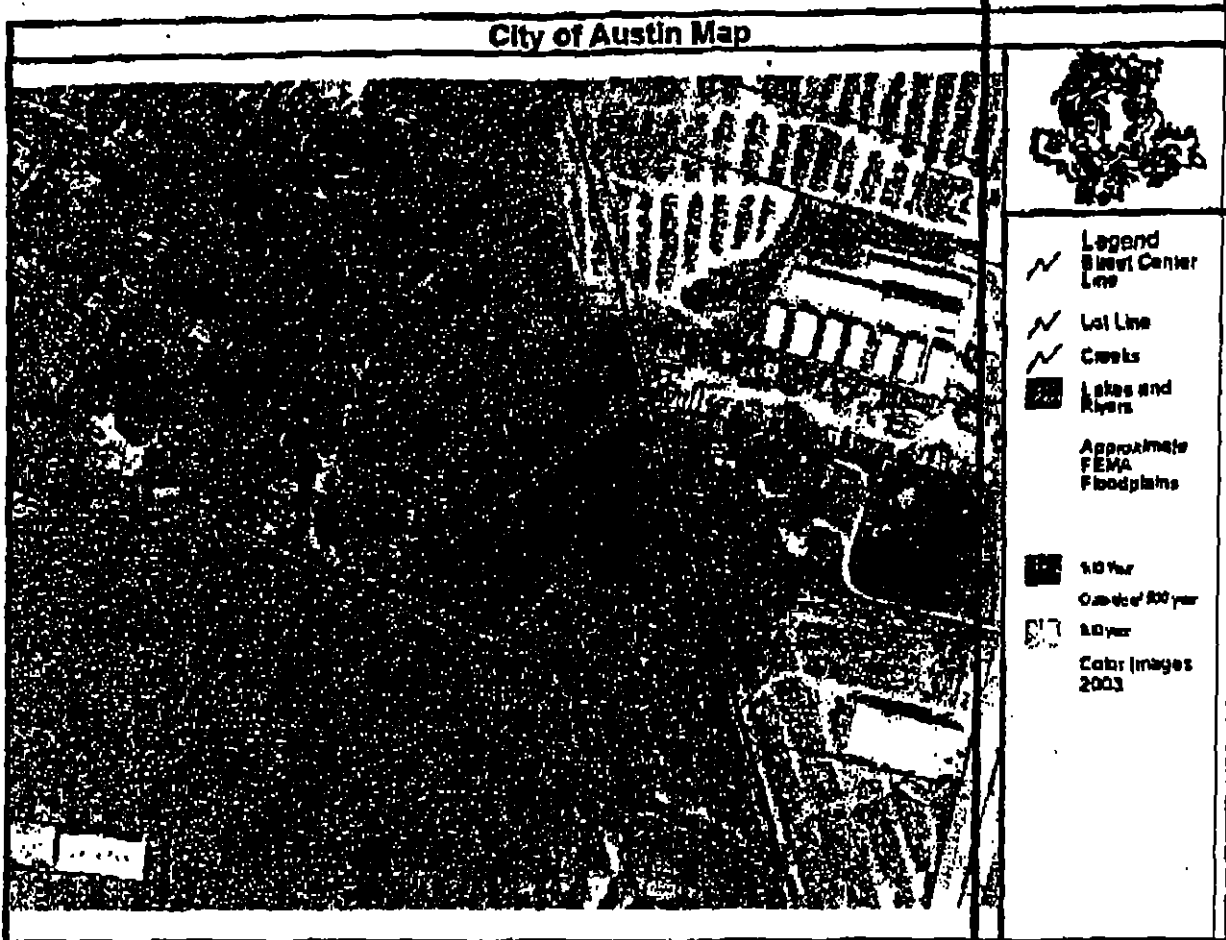
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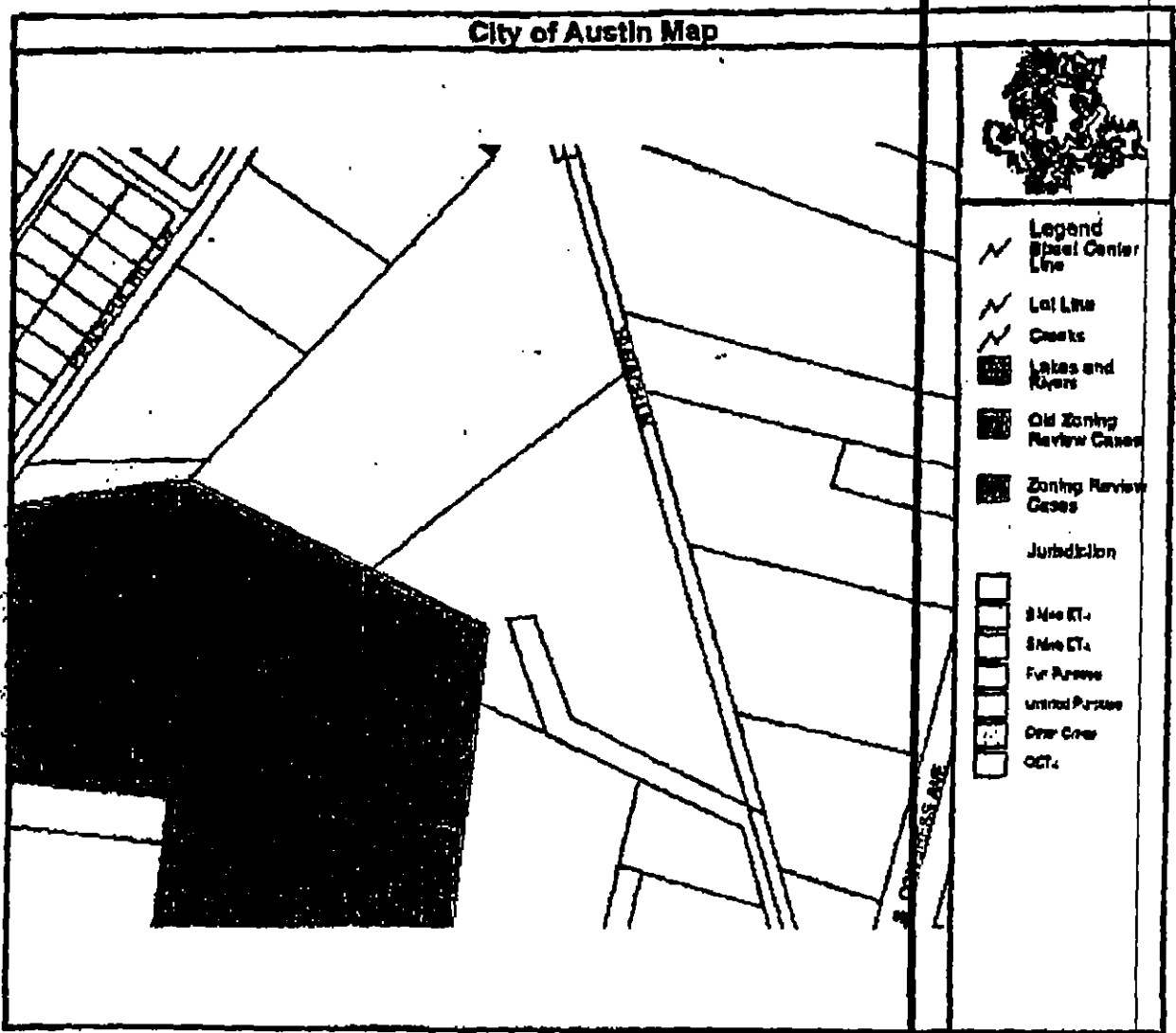
4-3409

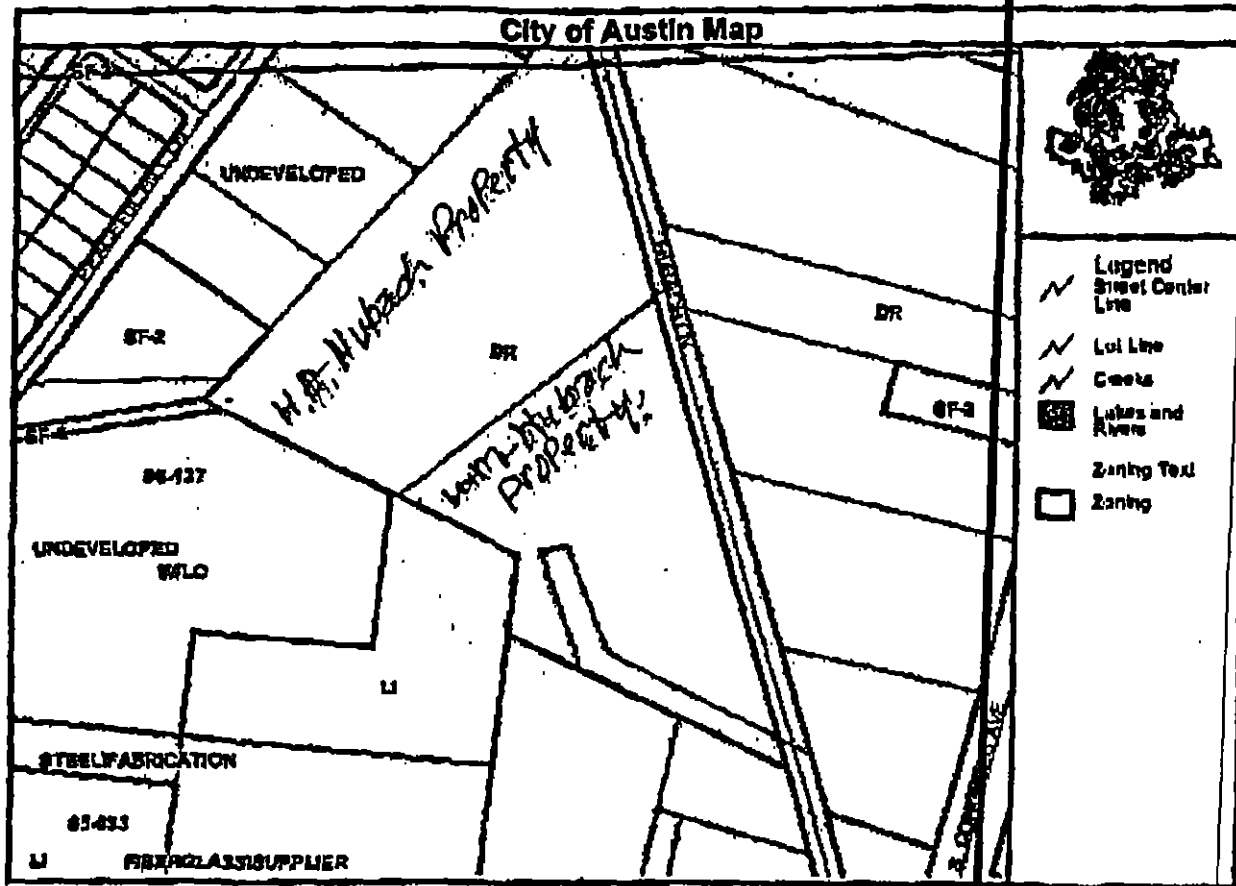


1435

ST. LOUIS, MISSOURI









**TERMINATION OF RESTRICTIVE COVENANT**  
**FOR**  
**ZONING CASE: C14-86-137**

**OWNER:** Main Street, Ltd., a Texas limited partnership

**ADDRESS:** 7447 Bee Caves Road, Suite 150, Austin, Texas 78746

**CITY:** The City of Austin, a home-rule city, municipal corporation and political subdivision of the State of Texas, in Travis County, Texas.

**CITY COUNCIL:** The City Council of the City of Austin.

**CONSIDERATION:** Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

WHEREAS, Marabella Development Partnership, a Texas general partnership, as owner of all that certain property described in Zoning Case No. C14-86-137, consisting of approximately 13.8 acres of land out of the William Cannon League Survey, Travis County (the "Property"), as more particularly described in the restrictive covenant recorded in the Real Property Records of Travis County, Texas, in Volume 10416, Page 829 (the "Restrictive Covenant"), imposed certain restrictions and covenants on the Property by the Restrictive Covenant of record; and,

WHEREAS, the Restrictive Covenant provided that the covenant could be modified, amended, or terminated by joint action of both a majority of the members of the City Council and the Owner of the Property at the time of such modification, amendment or termination; and,

WHEREAS, Main Street, Ltd., a Texas limited partnership, as sole and current owner of the Property, now desires to terminate the Restrictive Covenant; and,

WHEREAS, the City Council and the Owner, agree the Restrictive Covenant should be terminated;

NOW, THEREFORE, for and in consideration of the premises and mutual promises, covenants, and agreements set forth in this covenant, the City of Austin and the Owner agree as follows:

1. The Restrictive Covenant is terminated by this termination. Each and every one of the terms, conditions, and provisions of the Restrictive Covenant, as set forth in the Restrictive Covenant, shall have no force or effect on and after the effective date of this termination.
2. The City Manager, or her designee, shall execute, on behalf of the City, this Termination of Restrictive Covenant for Zoning Case No. C14-86-137 (the "Termination of Restrictive Covenant") as authorized by the City Council of the City of Austin. This Termination of Restrictive Covenant shall be filed in the Official Public Records of Travis County, Texas, which will terminate the document of record in Volume 10416, Page 829, Real Property Records, Travis County, Texas.

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

**OWNER:**

**Main Street, Ltd.,  
a Texas limited partnership**

By: Main Street Homes of Austin, Inc.,  
a Texas corporation,  
its General Partner

By: \_\_\_\_\_  
Stephen D. Bartholomew,  
President

**CITY OF AUSTIN:**

By: \_\_\_\_\_  
Laura J. Huffman,  
Assistant City Manager  
City of Austin

**THE STATE OF TEXAS           §**

**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2006, by Stephen D. Bartholomew, President of Main Street Homes of Austin, Inc., a Texas corporation, general partner of Main Street, Ltd., a Texas limited partnership, on behalf of the corporation and limited partnership.

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS           §**

**COUNTY OF TRAVIS           §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2006, by Laura J. Huffman, as Assistant City Manager of the City of Austin, a municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**After Recording, Please Return to:**  
**City of Austin**  
**Department of Law**  
**P. O. Box 1088**  
**Austin, Texas 78767**  
**Attention: Diana Minter, Paralegal**